

## List of Subjects in 8 CFR Part 212

Aliens, Documentation,  
Nonimmigrant, Passport and visas,  
Waivers.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 212—DOCUMENTARY  
REQUIREMENTS: NONIMMIGRANTS;  
WAIVERS; ADMISSION OF CERTAIN  
INADMISSIBLE ALIENS; PAROLE**

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1225, 1226, 1228, 1252; 8 CFR part 2.

2. In § 212.1, paragraph (g) is revised to read as follows:

**§ 212.1 Documentary requirements for nonimmigrants.**

\* \* \* \* \*

(g) *Unforeseen emergency.* A nonimmigrant seeking admission to the United States must present an unexpired visa, and passport valid for the amount of time set forth in section 212(a)(7)(B) of the Act, or a valid border crossing identification card at the time of application for admission, unless the nonimmigrant satisfies the requirements described in paragraphs (a) through (f) and (i) of this section. Upon a nonimmigrant's application on Form I-193, a district director at a Port-of-Entry may, in an exercise of his or her discretion, on a case-by-case basis, waive the documentary requirements, if satisfied that the nonimmigrant cannot present the required documents because of an unforeseen emergency. The district director or the deputy Commissioner may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant in writing to that effect.

\* \* \* \* \*

Dated March 15, 1995.

Doris Meissner,

*Commissioner, Immigration and  
Naturalization Service.*

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**NUCLEAR REGULATORY  
COMMISSION**

**10 CFR Part 50**

**RIN 3150-AF20**

**Production and Utilization Facilities;  
Emergency Planning and  
Preparedness Exercise Requirements**

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to revise its emergency planning regulations. The proposed rule would amend the current regulations governing domestic licensing of production and utilization facilities, as necessary, to facilitate greater flexibility in the licensee's emergency preparedness training activities during the "off-year" for implementing the current requirement for annual exercise of the onsite emergency plan which is conducted to evaluate major portions of licensees' emergency response capabilities. The proposed amendment would preserve the existing requirement that each licensee, at each site, exercise biennially with full participation by States and local governments within the plume exposure pathway emergency planning zone (EPZ); would reduce from annual to biennial the required frequency of exercise of the licensee's onsite emergency plan (which may be included in the biennial full participation exercise); would require licensees to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities; and would require licensees to continue enabling State and local governments in plume exposure pathway EPZs to participate in exercises and in drills in the interval between the biennial full participation exercises. By undertaking this rulemaking, the Commission would grant, in part, a petition for rulemaking submitted by Virginia Electric Power Company on December 9, 1992.

**DATES:** The comment period expires July 13, 1995. Comments received after this date will be considered if practical to do so, but only those comments received on or before this date can be assured of consideration.

**ADDRESSES:** Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attn: Docketing and Service Branch. Hand deliver comments to 11545 Rockville Pike, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Copies of comments received may be examined at the Commission's Public Document Room at 2120 L Street NW (Lower Level), Washington, DC.

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The

bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available, as practical, for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321-3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

Single copies of this proposed rulemaking may be obtained by written request or telefax ((301) 415-2260) from: Distribution Services, Printing and Mail Services Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555. Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking as indicated above.

**FOR FURTHER INFORMATION CONTACT:**

Michael T. Jamgochian, Regulation Development Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Rockville, MD 20852 (301-415-6534).

**SUPPLEMENTARY INFORMATION:**

**Background**

The NRC has received a petition for rulemaking submitted by the Virginia Electric Power Company. The petition was assigned Docket No. PRM 50-58 on December 16, 1992. The petitioner has requested that the NRC amend Appendix E, Section IV, F.2., to 10 CFR Part 50, "Emergency Planning and Preparedness for Production and Utilization Facilities," to change the requirement that each site exercise its emergency plan biennially rather than annually. The petitioner's proposed amendment would require each licensee to conduct a biennial integrated exercise of the emergency plan at each site and to take actions necessary to ensure that its emergency response capability is maintained during the 2-year interval. The petitioner believes that the annual graded exercise is but one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will provide for the health and safety of the public.

The petitioner quotes 10 CFR Part 50, Appendix E, Section IV, F.2., which states that "each licensee at each site shall annually exercise its emergency

plan."<sup>1</sup> The petitioner contends that although not explicitly defined in the rule, this statement has been interpreted throughout the industry to require that each licensee at each site annually conduct an integrated exercise which will be evaluated by the NRC.

The petitioner states that regulations governing the frequency of State and local emergency planning exercises have been in place since 1984. These regulations require a biennial exercise of State and local emergency plans. Therefore, the petitioner contends that the requirement for an annual integrated exercise for the onsite organization is inconsistent and should be clarified.

The petitioner contends that emergency preparedness programs throughout the industry are designed to achieve and maintain an adequate level of emergency response capability. As defined by NUREG-0654/FEMA-REP-1, Rev. 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," a joint Nuclear Regulatory Commission/Federal Emergency Management Agency (NRC/FEMA) report published in November 1980,<sup>2</sup> an exercise is an event that tests the integrated capability and major portions of the basic elements existing within emergency preparedness plans and organizations. The petitioner contends, therefore, that an exercise is designed to merely confirm the level of response. As confirmation, an annual exercise is not necessary to achieve the underlying intent of the rule which is to attain an acceptable level of emergency preparedness. The petitioner further contends that because the annual exercise is the primary mechanism presently used by the NRC to evaluate readiness, the resources dedicated to this event are naturally more focused on exercise performance than on emergency preparedness. The petitioner states that because of the effectiveness of the emergency preparedness program, the annual graded exercise merely represents a separate means for the NRC to evaluate the licensee's performance. The petitioner believes that the graded

exercise has, in effect, become an end unto itself.

The petitioner contends that the response of offsite response organizations during exercises performed over the past 8 years has demonstrated that a biennial frequency is sufficient to provide reasonable assurance of the health and safety of the public. During this time, there has been no indication of a need to increase the frequency of the demonstration. The petitioner states further that although it is recognized that the Commission retained the annual frequency requirement for licensees when it amended its regulations in 1984 to allow State and local governments to participate in emergency preparedness exercises every 2 years, the request to amend 10 CFR part 50 is implicitly supported by another part of the Code of Federal Regulations. The petitioner contends that regulations issued by FEMA at 44 CFR 350.9, by virtue of their stated requirements for offsite response organizations, recognize that, within the context of those regulations, the biennial conduct of an exercise is sufficient to demonstrate that protective measures can be taken in the event of an accident, thereby providing reasonable assurance of the health and safety of the public. The petitioner further contends that provisions for giving the States and local response organizations the opportunity to participate in the licensee's drill and exercise program could be easily accommodated independent of the petitioner's proposed rule change.

The petitioner contends that technological advancements and applications have served to greatly enhance and automate accident assessment activities employed during an emergency response for both the licensee (through the use of Safety Parameter Display System and dose assessment computer models) and the Federal Government (through the use of the Emergency Response Data System and RASCAL, a computer dose assessment model). Improvements to equipment and facilities and programmatic enhancements within the nuclear emergency preparedness discipline over the past decade have elevated the level of response capability throughout the industry. As evidence, the petitioner refers to the results of the Systematic Assessment of Licensee Performance (SALP) program, a mechanism employed by the NRC to assess, among other things, emergency preparedness indicators. The petitioner indicates that during the period between 1980 and 1992, the industry-averaged SALP rating for emergency

<sup>1</sup> This quote does not reflect changes to the regulations that were made on March 25, 1994 (59 FR 14087), when the word "onsite" was added before the words "emergency plan."

<sup>2</sup> Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

preparedness improved from 2.29 to 1.26. The overall average for emergency preparedness SALP ratings for this 12-year period is 1.61.

#### The Petitioner

The petitioner is a U.S. commercial nuclear power reactor licensee for North Anna Power Station, Units 1 and 2, and Surry Power Station, Units 1 and 2. The petitioner states that emergency planning regulations, promulgated as a result of the March 1979 accident at Three Mile Island, govern virtually all aspects of a licensee's emergency preparedness program and that they have done much to lay the basis for a structured formal response capability. The petitioner further states that maintenance and verification of emergency response capability are accomplished through the programs that ensure adequacy and effectiveness of plans, procedures, facilities, equipment, response personnel, and performance demonstrations. The petitioner focuses the petition on the need to conduct an annual exercise to ensure the adequacy of the emergency response capability. The petition is based on the petitioner's belief that the annual exercise is only one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will protect the health and safety of the public.

The petitioner believes that the proposed amendment to 10 CFR part 50 would do nothing to undermine the provisions already in place for ensuring that identified deficiencies resulting from the conduct of exercise are corrected.

#### Need for the Suggested Amendments

The petitioner contends the current annual testing requirement of a licensee's emergency response capability exceeds the threshold needed for determining the adequacy of the level of response. Therefore, the adoption of a biennial demonstration frequency would allow an increase in cost efficiency for industry and the Federal Government. Emergency preparedness exercises conducted in 1990 and 1991 have averaged a total of approximately \$20,000 per inspection in NRC fees for the Virginia Electric and Power Company. The petitioner estimates that each exercise costs approximately \$200,000 in resource commitments for the company. The approximately 450 personnel required for each exercise could be more effectively utilized in their normal function rather than by participating in an unneeded test of response capability.

Furthermore, the petitioner states that, based on experience, approximately 750 staff hours are expended during the development of an exercise scenario. Emergency planning resources, therefore, could be more effectively applied to the development and maintenance of emergency preparedness activities rather than being absorbed by exercise demonstration activities, such as exercise scenario development, controller organization preparations, organization impacts and facility availability (e.g., control room simulator time).

The petitioner characterizes the present requirement as one that is resource intensive but of marginal importance to safety.

#### The Petitioner's Suggested Solution

The petitioner requests the NRC amend its regulations governing domestic licensing of production and utilization facilities, as necessary, to require that each licensee exercise its emergency plan for each site biennially rather than annually and to otherwise ensure that its emergency response capability is maintained during the 2-year interval. The petitioner requests that the NRC modify the existing regulation to provide greater clarification by explicitly defining the requirement.

#### The Petitioner's Suggested Amendments

Petitioner requests that the NRC:

1. Amend Section IV, Paragraph F.2., of Appendix E to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to read as follows: "Each licensee at each site shall conduct an integrated exercise every 2 years. The licensee shall take actions necessary to ensure the emergency response capabilities are maintained during the 2-year interval."

2. Amend Section IV, Paragraph F.3.(f), of Appendix E to 10 CFR Part 50 to read as follows: "Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in exercises when requested by such State or local government."

3. Revise Section IV, Paragraph F.2., of Appendix E to 10 CFR Part 50 to provide greater clarification regardless of any action taken to amend the existing rule. Although not explicitly defined in the regulation, it has been interpreted throughout the industry that the regulation requires each licensee to annually conduct an integrated exercise at each site that will be evaluated by the NRC.

#### Public Comments

A notice of filing of the petition, Docket No. PRM-50-58, was published in the Federal Register on March 4, 1993 (58 FR 12341). Public comments were requested by May 3, 1993. A total of 32 comment letters were received, of which 17 utilities, 5 State emergency management agencies and NUMARC supported the petition; while 7 State emergency management agencies, FEMA, and an environmental group opposed the petition.

Support of the petition for rulemaking could generally be characterized by the following public comments:

\* \* \* an annual, graded NRC exercise is but one of many indicators designed to provide reasonable assurance that actions can be taken in the case of an emergency that are effective to protect the health and safety of the public.

\* \* \* Power reactor licensee effectiveness in emergency planning has improved steadily to the point where annual observed exercises no longer provide a significant benefit let alone a benefit commensurate with their cost in dollars and diverted resources.

\* \* \* Based on plant management's commitment to emergency preparedness \* \* \* it is believed that biennial exercising is a sufficient frequency for determining the adequacy of a licensee's level of performance. It is well realized that a licensee cannot ignore emergency preparedness for 20 months and then train and fix facilities and procedures within 4 months in preparation for an exercise. Emergency preparedness' complex infrastructure demands a continual evaluation and maintenance program. Changing to biennial exercising should not lessen the high level of emergency preparedness \* \* \*

As an alternate to NRC observation of an annual exercise to assess a licensee's response capability, the NRC can utilize the resident inspector during periodic drills to determine if the licensee's program is effective \* \* \* Annual exercises are typically constructed to demonstrate everything \* \* \* we are actually reinforcing the belief by State and local governments that every emergency at a nuclear power plant will go to general emergency (required for most annual exercises).

Opposition to the petition for rulemaking could also generally be characterized by the following public comments:

\* \* \* the exercise is not simply an indicator for NRC evaluation of the level of emergency preparedness, but also serves as training and practice for maintaining skills \* \* \* There may be sufficient turnover or reassignment of plant personnel that two years between exercises is too long.

Currently, many nuclear utilities are going through a period of 'streamlining' their organizations \* \* \* there will be changes in utility personnel with assignments as accident responders. A two-year integrated emergency exercise will not allow personnel sufficient training in a new role.

Regardless of the individual and collective levels of proficiency or technical sophistication, we still find exercises useful in identifying planning, training, or resource needs. In the past, we have often used utility-only and partial-scale exercises to train new personnel, test new facilities, or strengthen our relationship with our nuclear utilities and other agencies. Given the importance of preparedness to overall nuclear safety, we do not believe that annual utility exercises pose an excessive burden. Relaxation of the current requirement is therefore not necessary and should be denied.

Additionally, FEMA's opposition to the petition in rulemaking focused on the following points:

The proposed relaxation of the annual exercise requirement to a biennial frequency should be carefully analyzed to address any diminution in preparedness that might occur either to onsite or offsite programs. Our experience in the Radiological Emergency Preparedness (REP) Program over the last ten years has shown the great importance of the biennial, FEMA-graded, REP exercises in achieving meaningful, measurable preparedness for offsite jurisdictions around nuclear power plants. However, although State and local emergency plans are meant to minimize health and safety risks to the public should a radiological accident affect offsite areas, the licensee's onsite emergency plans are designed not only to prevent a radiological accident from occurring, but to serve as the "first line of defense" to prevent the accident from posing offsite health and safety effects.

FEMA disagrees with VEPCO's characterization of the present annual onsite exercise requirement as being of marginal importance to safety. A licensee's onsite emergency preparedness is critical for protecting the public's health and safety, and we believe that the evaluation of a licensee's performance during annual onsite exercises is the most effective way to measure the level of a licensee's preparedness to respond to an emergency situation.

#### Issues Raised by Petitioner

The petitioner characterizes the present requirement as one that is resource intensive but of marginal importance to safety. The petitioner has identified a number of issues associated with the current requirement to conduct an emergency plan exercise annually as grounds for change. The issues presented by the petitioner are as follows:

(1) The requirement to conduct an integrated annual exercise is not clearly defined. Therefore the regulation should be clarified.

(2) The existing regulation, 10 CFR Part 50, Appendix E, is inconsistent with other regulations that govern the frequency of offsite response organization integrated exercises (i.e., 44 CFR Part 350).

(3) The performance of offsite response organizations during biennial

exercises has confirmed that a biennial frequency is sufficient to provide the reasonable assurance finding.

(4) The existing regulation, 10 CFR 50.54(t), provides for an independent review of the adequacy of program implementation.

(5) The existing requirement to conduct an annual exercise is not necessary to achieve the underlying purpose of the rule. A biennial exercise is sufficient to provide an acceptable formal confirmation of capability.

(6) Reconsideration of the requirement is warranted in light of the completion and implementation of enhanced emergency preparedness facilities, the current level of industry proficiency and performance, and the increased industry sensitivity to emergency preparedness.

(7) Personnel could be more effectively utilized in their normal professional function rather than by participating in a resource-intensive integrated test that only serves to confirm the already existing level of the response capability.

(8) Emergency planning resources could be more effectively utilized to further the development and maintenance of emergency preparedness activities.

#### Commission Response

The Commission believes that it is important, in light of the discussion provided in the petition, to make clearer NRC's intent (under the existing rule) that licensees need not conduct annual exercises employing scenarios that progress to severe core damage and/or result in offsite releases. Historically, these scenarios were used in both the biennial full participation exercise of off-site emergency plans and the annual exercise of the licensee's onsite emergency plan. However, this is no longer necessary for the currently required annual exercises of the licensee's onsite emergency plan. Information Notice (IN) 87-54, "Emergency Response Exercises," was issued to clarify NRC intent in this regard and to provide detailed guidance, specifically on the types of "off-year" training activities that licensees could perform during the interval between the biennial full participation exercises to maintain adequate EP response capabilities and satisfy the rule.

Some licensees have availed themselves of the flexibility afforded by the IN guidance to conduct realistic, interactive "off-year" training activities that simulate less severe events, such as a minor fire, loss of electric power, and equipment failure, and focus on the capability of the onsite emergency

response organization to diagnose problems and develop actions to successfully mitigate the scenario event. However, as noted in the petition, many licensees continue to employ severe scenarios in annual exercises of their onsite emergency plans.

Accordingly, the Commission is proposing to modify Section IV.F.2.b. of 10 CFR Part 50, Appendix E, to reduce from annual to biennial the required frequency of exercise of the onsite emergency plan (which may be included in the biennial full participation exercise specified in IV.F.2.c.), and to require that licensees conduct training drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities, during the interval between biennial full participation exercises to ensure that adequate emergency response capabilities are maintained. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

This approach is consistent with a comment from one State that was not opposed to the petition but would prefer that some guidelines be included in Appendix E requiring plant specific internal exercises during the "off year" to ensure plant personnel familiarity with their response plans rather than the vague expectancy that this activity will be done. Furthermore, licensees would continue to enable State and local governments in the plume exposure pathway EPZs to participate in drills in the interval between exercises, thus preserving their training opportunities.

In response to FEMA's opposition to this petition for rulemaking, the Commission notes that although the existing requirements relating to licensees' off-year EP activities are being modified (most noticeably by eliminating the need for a full formal exercise of the licensee's onsite emergency plan in the "off-years"), the Commission is confident that there is no diminution of preparedness or increase in risk to the public. Licensees are specifically required under the proposed rule to maintain adequate emergency response capabilities between the biennial full participation exercises, and will now be conducting realistic drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response

capabilities, during that interval. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

The Commission believes that the proposed changes may result in the reallocation and more effective utilization of resources within some licensees' EP programs in order to further the development and maintenance of emergency preparedness capabilities during the "off-year" periods. It is not clear, however, that these changes will result in significant overall cost savings. The Commission cautions specifically against expectations that the proposed changes will necessarily result in significant reductions in NRC inspection activity directed to observation and evaluation of licensees' off-year EP maintenance activities, because they may be modified under the new rule. Also, licensees will, upon request, submit scenarios for NRC review in support of future inspections as may be deemed necessary by NRC.

#### Summary

After considering the arguments presented by the petitioners and evaluating all public comments received, and based on the further understanding of the issues involved gained from 13 years of experience evaluating licensee emergency preparedness exercises, the Commission concludes that:

(1) The required frequency for full formal exercise of the licensee's onsite emergency plan should be reduced from annual to biennial;

(2) The means by which licensees are expected to train and maintain their emergency response capabilities and readiness in the 2-year interval between evaluated exercises should be changed by requiring licensees to conduct drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities; and

(3) Opportunities for training by State and local governments should be preserved.

The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

During the specified drills, activation of all of the licensee's emergency response facilities (TSC, OSC, and EOF) would not be necessary, licensees

would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills could focus on onsite training objectives.

The proposed revisions would relieve licensees from the current requirement to conduct annually a full formal exercise of the licensee's onsite emergency plan, and make clear that licensees have flexibility in choosing the activities that are to be conducted in the 2-year period between biennial full-participation exercises in order to maintain their emergency response capabilities. Greater flexibility in the training of the onsite emergency response organization could provide significant benefits to some licensees. For example, licensees could eliminate the practice of developing scenarios that proceed to severe core damage, offsite releases, or to higher emergency classification levels. Licensees would have greater opportunity to conduct realistic emergency response training with supervised instruction that allowed the operating staff to consider accident management strategies, diagnose problems and be given credit for actions that would mitigate scenario events (e.g., "success paths").

This approach is also responsive to comments from FEMA, some States, and others who expressed concern about possible decreased licensee training and readiness in the period between biennial exercises. Under the proposed approach, licensees will still be required to conduct emergency response training and drills of the onsite emergency response organization, and to provide training opportunities to State and local government personnel during the interval between biennial exercises.

Additionally, 10 CFR Part 50.47 (a)(1) is being revised in order to correct a typographical error that appeared in the 1993 edition of Title 10, Parts 0 to 50 of the Code of Federal Regulations.

#### Submission of Comments in Electronic Form

Commenters are encouraged to submit, in addition to the original paper copy, a copy of the letter in electronic form on a 5.25 or 3.5 inch computer diskette: IBM PC/DOS or MS/DOS format. Data files should be provided in WordPerfect format or unformatted ASCII code. The format and version should be identified on the diskette's external label.

#### Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment; and therefore, an environmental impact statement is not required. The proposed rule would update and clarify the emergency planning regulations relating to exercises. It does not involve any modification to any plant or revise the need for or the standards for emergency plans. There is no adverse effect on the quality of the environment. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20037.

#### Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.). Existing requirements were approved by the Office of Management and Budget approval Number 3150-0011.

#### Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L St., NW (Lower Level), Washington, DC 20037. Single copies of the analysis may be obtained from Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 415-6534.

#### Regulatory Flexibility Act Certification

The proposed rule would not have a significant impact on a substantial number of small entities. The proposed rule would update and clarify ambiguities in the emergency planning regulations relating to exercises. Nuclear power plant licensees do not fall within the definition of small business in Section 3 of the Small Business Act (15 U.S.C. 632), the Small Business Size Standards of the Small Business Administration in 13 CFR Part 121, or the Commission's Size Standards published at 56 FR 56671 (November 6, 1991). As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b),

the Commission hereby certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

#### Backfit Analysis

The proposed changes are intended to clarify the intent of the existing rule and facilitate greater flexibility in licensees' conduct of off-year emergency response training activities; but this action does not seek to impose any new or increased requirements in this area. The proposed changes would permit, but not require, licensees to change their existing emergency plans and procedures to employ scenarios in off-year training or drills that do not go to severe core damage or result in offsite exposures. No backfitting is intended or approved in connection with this proposed rule change.

#### List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 50.

### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

2. In § 50.47, paragraph (a)(1) is revised to read as follows:

#### § 50.47 Emergency plans.

(a)(1) Except as provided in paragraph (d) of this section, no initial operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. No finding under this section is necessary

for issuance of a renewed nuclear power reactor operating license.

3. Appendix E to part 50 is amended by revising section IV.F., paragraphs 2.b., and e. to read as follows:

#### Appendix E to Part 50—Emergency Planning and Preparedness for Production and Utilization Facilities

#### IV. Content of Emergency Plans

##### F. Training

2. \* \* \*

b. Each licensee at each site shall conduct an exercise of its onsite emergency plan every two years. The exercise may be included in the full participation biennial exercise required by paragraph 2.c. of the section. In addition, the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The principal functional areas of emergency response include such activities as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions. During these drills, activation of all of the licensee's emergency response facilities (TSC, OSC, and EOF) would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills could focus on onsite training objectives.

e. Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in the licensee's drills when requested by such State or local government.

Dated at Rockville, Maryland, this 7th day of April, 1995.

For The Nuclear Regulatory Commission.  
John C. Hoyle,  
*Secretary of the Commission.*  
[FR Doc. 95-9222 Filed 4-13-95; 8:45 am]  
BILLING CODE 7590-01-P

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Parts 119, 121, 125, 127 and 135

#### Forum With the Administrator and Deputy Administrator; Public Meeting on Commuter Operations and General Certification and Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of public meeting and forum with the Administrator and Deputy Administrator.

**SUMMARY:** The FAA is issuing this notice to advise the public of an open forum with the Administrator and Deputy Administrator. Later on the same day the FAA will hold a public meeting on the notice of proposed rulemaking, Commuter Operations and General Certification and Operations, published in the Federal Register on March 29, 1995 [60 FR 16230]. The purpose of these meetings is to provide an opportunity for the public to comment on regulatory aviation issues in general and specifically on the commuter rulemaking.

**DATES:** The meetings will be held on May 18, 1995, beginning at 9:30 a.m. Meeting times are as follows:

9:30 a.m.–11:00 a.m.—Open forum with the Administrator and Deputy Administrator

1:00 p.m.—Public meeting on the commuter NPRM.

**ADDRESSES:** The meeting will be held in Anchorage, Alaska, at the Loussac Library, 3600 Denali Street, Assembly Chambers, Level 1.

Persons unable to attend any of the meetings may mail their comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC-200), Docket No. 28154, 800 Independence Avenue NW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Requests to present a statement at the public meeting on the commuter NPRM or questions regarding the logistics of the meeting should be directed to Linda Williams, Federal Aviation Administration, Office of Rulemaking (ARM-109), 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-9685; fax (202) 267-5075, or Sandra Paxton, Federal Aviation Administration, Alaska Region Headquarters (AAL-1), 222 West 7th Avenue, #14, Anchorage, AK 99533, telephone: (907) 271-5645.

Questions concerning the subject matter of the public meeting on the commuter NPRM should be directed to Katherine Hakala, Flight Standards Service (AFS-250), Federal Aviation Administration, 800 Independence Avenue, Washington, DC 20591. Telephone: (202) 267-8137.

#### SUPPLEMENTARY INFORMATION:

##### Background

President Clinton has set a goal of re-inventing the regulatory process and making major improvements in the way it serves the American people. The